

REMARKS/ARGUMENTS

The Office Action mailed April 23, 2004 has been reviewed and carefully considered. Claims 1-12, 15 and 16 have been amended. Claims 17-20 are added. Claims 1-20 are pending in this application, with claims 1, 12, 16 and 17 being the only independent claims. Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

In the Office Action mailed April 23, 2004, claims 5 and 15 are objected to as containing a minor informalities. Claims 5 and 15 have been amended. It is respectfully submitted that the amended claims 5 and 15 no longer contain the informalities listed by the Examiner and the objection to claims 5 and 15 should now be withdrawn.

Claims 3 and 4 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite because "said supplemental information" does not have adequate antecedent basis. Claims 3 and 4 have been amended to address this informality. In view of the amendments, it is respectfully requested that the rejection of claims 3 and 4 now be withdrawn.

Claims 1 and 3 stand rejected under 35 U.S.C. §103 as unpatentable over WO 99/04568 (Ferris) in view of U.S. Patent No. 6,133,912 (Montero) and U.S. Patent No. 5,790,935 (Payton).

Claims 2 and 4 stand rejected under 35 U.S.C. §103 as unpatentable over Ferris in view of Montero and Payton and further in view of U.S. Patent No. 5,539,822 (Lett).

Claims 5, 8, 10 and 16 stand rejected under 35 U.S.C. §103 as unpatentable over Ferris in view of Montero and U.S. Patent No. 5,442,389 (Blahut).

Claims 6, 7, and 9 stand rejected under 35 U.S.C. §103 as unpatentable over Ferris in view of Montero and Blahut and further in view of U.S. Patent No. 6,446,261 (Rosser).

Claim 11 stands rejected under 35 U.S.C. §103 as unpatentable over Ferris in view of Montero and Blahut and further in view of U.S. Patent No. 5,415,416 (Scagnelli).

Claim 15 stands rejected under 35 U.S.C. §103 as unpatentable over Ferris in view of Montero and Blahut and further in view of U.S. Patent No. 5,694,163 (Harrison).

Claims 12-14 were found to contain allowable subject matter and would be allowable if written in independent form.

In view of the allowable subject matter, claim 12 has been rewritten in independent form including the limitations of base claim 5. Accordingly, independent claim 12 is now deemed to be allowable as incorporating allowable subject matter. Dependent claims 13 and 14, being dependent on independent claim 12, are allowable for the same reasons as independent claim 12.

New claims 18-20 correspond to original claims 12-14.

Before discussing the cited prior art and the Examiner's rejections of the claims in view of that art, a brief summary of the present invention is appropriate. The present invention relates to a system and method for characterizing television preferences of an individual using a wireless device which is in communication with a computer network (see page 4, lines 2-5 of the present specification). Each user has a terminal 10 and a television set 80 (page 6, line 7). The terminal 10 comprises any device capable of communicating over the internet and the television set 80 receives television signals by broadcast, cable or satellite (page 6, lines 9, and 17-18).

According to the invention, the users can communicate using the terminals with an interactive server (IS) 40 which receives TV programming 50 and forwards the TV programming 50 for transmission for television sets 80 (page 7, lines 4, and 11-12). The IS 40 also receives customizing information 60 such as, for example, advertisements, poll announcements, product

information, special offers, and lottery statistics (page 7, lines 14-16). The IS 40 may modify or augment the TV programming 50 prior to forwarding for transmission (page 7, lines 12-13).

A user watching a television set may register or log onto the IS 40 using the terminal 10 to exert some control over what appears on the television sets 80 (page 7, lines 19-21, and page 8, lines 6-8). The IS 40 includes a database 42 for storing account information and a database 44 for storing registration information, wherein the account information is persistent information such as name, age, address, and credit accounts, while the registration information includes volatile information such as the currently viewed program and the desire to participate in a poll or offer (page 7, lines 5-10). The IS 40 reviews registrations 44 of the currently logged-on users to deduce demographic patterns (page 8, lines 18-19). The IS 40 then alters the TV programming 50 or the information 60 sent to the users, or those users within an identified demographic group (page 8, line 20 to page 9, line 3 and page 10, line 16 to page 11, line 2).

In view of the above description, it is clear that the present invention allows a user to view a television program which is forwarded from a server to a transmission device for transmission via a first communication channel to a television receiver. The present invention also allows the user to login to the server with a terminal using a second communication channel to exert some control over what appears on the television sets. It is apparent that the user does not always have to login to the server to watch a program. Furthermore, the server of the present invention takes into account only the information from those user who have voluntarily logged in to the server using the terminals to exert some influence. As will be discussed below, none of the prior art documents teach or suggest logging in user by a terminal via a second communication path.

Independent claims 1 and 16 have each been amended and new independent claim 17 is written to recite that a data terminal associated with each user is connected to said network server through a second two-way communication path for logging onto said network sever and transmitting user preferences to said network server. The independent claims 1, 16, and 17 state that the network server is adapted to determine that a demographic group of users is logged onto said server based on information received by said two-way communication path and the user preferences of users that are currently logged onto the server by the terminals, and to control, according to user preferences of said demographic group of users, transmission of at least one of program content and first supplemental information pertaining to a program to the television receivers of at least the users in said demographic group of users. Since the independent claims now include some limitations of original claim 6, we will address each of the references used to reject claims 1 and claim 6.

Ferris discloses a communication system and method in which a remote control device 417 is used to communicate with a central processing station 420 using radio transmission (see page 12, last paragraph to page 14, first paragraph of Ferris). The central processing station 420 compiles program associated data (PAD) to be sent to and displayed on the remote control device 417 (page 11, lines 9-25 and page 13, lines 16-18). Accordingly, Ferris discloses a system in which additional information related to a program on a television is displayed on a separate device such as remote device 417 held by a user. Ferris fails to teach or suggest logging a user into a network server associated with the service using the terminal and a two-way communication path, informing the server of user preferences, determining that a demographic group of users is logged onto the server, controlling the network server based on the user preferences of the demographic group of users, and displaying a video and data display based on

the at least one of program content and first supplemental information transmitted over the first communication path and subjected to control by said network, as expressly recited in the independent claims 1, 16, and 17.

Montero discloses a method of delivering information over a communication network. Figs. 4-6 and the text starting at col. 14, line 61 of Montero pertains to the display of a television program. According to Montero, individual homes with a television receiving apparatus 350 and tuner 390 are connected to head ends 320 which receive broadcasting signals (see col. 15, lines 2-24). According to Montero, a television receiving apparatus 350 is logged onto the system when it is turned on to connect to the cable network (col. 18, lines 30-42). Since Montero teaches that the user is logged on automatically when the device is turned on, Montero fails to teach or suggest logging a user into a network server associated with the service using the terminal and a two-way communication path using a terminal, as recited in independent claims 1, 16, and 17.

Furthermore, Montero fails to teach or suggest the determination of a demographic group. Rather, Montero disclose that each individual television receiving apparatus may receive a customized sequence of INFO IDs (col. 18, lines 25-29) or a customized sequence of channel IDs (col. 19, lines 16-18). Accordingly, Montero also fails to teach or suggest determining that a demographic group of users is logged onto the server of users that are currently logged onto the network server by the data terminals, controlling the network server based on the user preferences of the demographic group of users, and displaying a video and data display based on the at least one of program content and first supplemental information transmitted over the first communication path and subjected to control by said network, as

recited in independent claims 1, 16, and 17. Accordingly, independent claims 1, 16 and 17 are allowable over Ferris in view of Montero.

Payton discloses a virtual on-demand digital information delivery system and method. According to Payton a central distribution server 24 is connected with a repository 34 for storing digital items 36 to be made available to the subscriber, such as, videos, audio selections, and computer applications (see col. 4, lines 55-57). That is, Payton relates to a so-called video-on-demand service. The preferences of subscribers are used to predict the items in the repository that a user might like (col. 5, lines 12-20). Recommended items are downloaded to a local server 28 so that when a user makes a request, the local server is checked first to see if the request can be supplied from the local server and then the central repository is checked (col. 5, lines 21-39). This limits the burden on the central depository during peak viewing times. Payton fails to disclose logging on by a user using a terminal, as recited in independent claims 1, 16, and 17. Furthermore, Payton involves making recommendations for a single user and therefore fails to teach or suggest determining that a demographic group of users is logged onto the server, controlling the network server based on the user preferences of the demographic group of users, and displaying a video and data display based on the at least one of program content and first supplemental information transmitted over the first communication path and subjected to control by said network, as recited in independent claims 1, 16 and 17. Accordingly, independent claims 1, 16, and 17 are allowable over Ferris, Montero, and Payton.

Blahut relates to a program server for an interactive television system. According to Blahut, a server is responsive to requests from a user for playing media saved in a program library 102. A request processor 101 receives requests from users, issues control messages to controller 110 and issues control messages to program library 102 (col. 3, lines 35-44). The

program library stores programs such as movies (col. 4, line 32). Blahut does not specifically teach or suggest logging onto a server by a user data terminal, as recited in independent claims 1, 16, and 17. Furthermore, since Blahut responds to individual requests for playing media, Blahut fails to teach or suggest determining that a demographic group of users is logged onto the server, controlling the network server based on the user preferences of the demographic group of users, and displaying a video and data display based on the at least one of program content and first supplemental information transmitted over the first communication path and subjected to control by said network, as recited in independent claims 1, 16, and 17. Accordingly, independent claims 1, 16, and 17 are allowable over Ferris, Montero, Payton, and Blahut.

Rosser discloses a set top device for target electronic insertion of indicia into a video. According to Rosser, a user profile is built up and stored in a storage 170 by monitoring a users viewing choices from the users set-top-box (col. 11, line 62 to col. 12, line 6). A description of the information in the viewer usage profile is described at col. 12, line 7-43. The data is then correlated to a statistical sample of the viewing population to determine profile factors (col. 12, line 60 to col. 13, line 2). The so determined viewer usage profile is used to determine which advertisement is sent to a set top box of the user. As indicated by the Examiner, Rosser also discloses at col. 13, lines 57-63 that the size of a population meeting a user profile may be determined. Since Rosser teaches that a set-top-box is monitored to determine the user profile, Rosser fails to disclose logging onto a server using a terminal which communicates by a second communication path, as recited in independent claim 1. Furthermore, Rosser fails to teach or suggest determining that a demographic group of users is logged onto said server based on information received by said two-way communication path and the user preferences of users that are currently logged onto the server by the terminals, as recited in

independent claims 1, 16, and 17. In contrast, Rosser discloses that a demographic group is determined from the entire set of viewers watching via set top boxes. According to the present invention, the user decides whether to enable the service by logging onto the service with a terminal that is separate from the television receiver when the service is to be enabled. If the user does not log on, he can simply watch television without the added service through the television receiver.

In view of the above amendments and remarks, it is respectfully submitted that independent claims 1, 16, and 17 are allowable over Ferris, Montero, Payton, Blahut and Rosser.

Dependent claims 2-11, 15, and 18-20, being dependent on independent claim 1, are deemed allowable for at least the same reasons expressed above with respect to independent claim 1.

The application is now deemed to be in condition for allowance and notice to that effect is solicited.

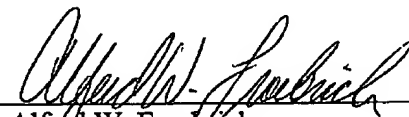
Please charge our Patent and Trademark Office Deposit Account No. 03-2412 in the amount \$86 in payment for the addition of 1 independent claim in excess of three.

It is believed that no additional fees or charges are required at this time in connection with the present application. However, if any additional fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,

COHEN, PONTANI, LIEBERMAN & PAVANE

By



Alfred W. Froeblich

Reg. No. 38,887

551 Fifth Avenue, Suite 1210

New York, New York 10176

(212) 687-2770

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